

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

HENRY ANDREE WINZER,  
Plaintiff,

v.

KEITH WHEELER, ET AL.,  
Defendants.

§  
§  
§  
§  
§  
§

No. 3:15-CV-1469-B

ORDER


After making the review required by 28 U.S.C. § 636(b), the Court finds that the Findings, Conclusions and Recommendation of the Magistrate Judge are correct, and they are adopted as the findings and conclusions of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

- (1) Plaintiff's claims against Defendant Officers Wheelers and Jones are dismissed with prejudice until the *Heck v. Humphrey*, 512 U.S. 477 (1994), conditions are met;
- (2) Plaintiff's excessive force claims regarding the cutting of his nails are dismissed with prejudice pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2);
- (3) Plaintiff's remaining excessive force claims against Defendant Officers Miller, Brewer, Tudor, Martin, Hunter and Cabealis shall proceed.
- (4) The United States Marshal Service shall serve process on Defendant Officers Miller, Brewer, Tudor, Martin, Hunter and Cabealis at the Kaufman County Jail;
- (5) The Clerk shall transmit a true copy of this Order to Plaintiff.

- (6) The Clerk of the Court shall refer this case to Magistrate Judge Stickney for further proceedings.

Signed this 18<sup>th</sup> day of February, 2016.



JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE